

REMARKS

Applicant respectfully requests reconsideration of this application, as amended herein. Claims 1-19 were pending in the application. Claims 5 and 8 have been canceled, Claims 1-4, 6-7, 9, 12, 14, and 19 have been amended for further clarification, and Claims 20-21 have been added. Therefore, Claims 1-4, 6-7, and 9-21 are pending in the application.

The Examiner objected to a misspelling on page 11, line 21 of the specification. Applicant has submitted herewith a replacement paragraph to correct the typographical error.

The Examiner rejected Claims 1-19 under 35 U.S.C. § 112 as being indefinite. As Applicant has canceled Claim 5 and 8 herein, it is respectfully submitted that the instant rejection is now moot with respect to those claims. With respect to the remaining claims, Applicant has amended Claims 1-4, 6-7, 9, 12, 14, and 19 to replace the word "such" with "said" or "the," as appropriate. Applicant respectfully asserts that the foregoing amendments put the claims in condition for allowance. Applicant respectfully requests reconsideration of the amended claims.

Applicant will now more particularly address the remaining Examiner's rejections.

The Rejections under 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-5, 7, 11-14, 16, 17 and 19 under 35 U.S.C. 102(b) as being anticipated by Travis et al. [US5380007]. Applicant respectfully traverses the rejection.

Amended independent Claim 1 requires that, in addition to permitting the player to select the number of playing elements, the player can also select whether to play the game by matching elements IN ORDER, in DISORDER, or a COMBINATION of the two. A different Table of Values that rewards a player who obtains specific combination of elements is used for the different styles of the game. The ability to choose a style of game for a specific combination of

elements and odds of obtaining a specific winning combination make this a unique game, unlike that disclosed in the reference. Travis et al. in no way teach or suggest such a construction as claimed using selectable styles for obtaining winning combinations and having a specific Table of Values for the various styles of the game. Rather, Travis et al. teach a lottery game in which the user selected elements are compared to the randomly selected elements. Nowhere in the specification disclosed by Travis et al. is a choice by the player for the style of game to be played described or suggested. As Travis et al. fail to disclose such a limitation, independent Claim 1 is patentably distinguished. Claims 2-4, 7, and 11-13, depend from Claim 1 and incorporate the same limitations as Claim 1. Thus, Claims 2-4, 7, and 11-13 are patentably distinguished. As Applicant has canceled Claims 5 herein, it is respectfully submitted that the instant rejection is now moot with respect to that claim.

Independent Claim 14, as amended, also includes the limitation of matching elements IN ORDER, in DISORDER, or a COMBINATION of the two; therefore, as described above, Claim 14 is patentably distinguished. Claims 16 and 17 depend from Claim 14 and incorporate the same limitations as Claim 14. Thus, Claims 16 and 17 are patentably distinguished.

Independent Claim 19, as amended, requires the claimed slot machine to have a first player selection means for selecting the style of game to be played and a second player selection means for selecting the playing elements. Travis et al. in no way teach or suggest such a construction as claimed using two player selection means. Nowhere in the specification disclosed by Travis et al. is a choice by the player for the style of game to be played described or suggested. As Travis et al. fail to disclose such a limitation, independent Claim 19 is patentably distinguished.

The Rejection under 35 U.S.C. § 103(a)

The Examiner rejected Claims 6 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Travis et al. [US5380007]. Applicant respectfully traverses the rejection. The Examiner suggests that it would have been obvious to implant the game play method in all types of gaming machines. Claims 6 and 9-10 depend from Claim 1 and incorporate the same limitations as Claim 1, which, as described above, is patentably distinguished from Travis et al. Thus, Claims 6 and 9-10 are patentably distinguished. As Applicant has canceled Claim 8 herein, it is respectfully submitted that the instant rejection is now moot with respect to that claim.

The Examiner rejected Claims 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Travis et al. in view of Morro et al. [US5947820]. Applicant respectfully traverses the rejection. The Examiner suggests that it would have been obvious to use a touch sensitive video screen in the Travis et al. gaming machines. Claims 15 and 18 depend from Claim 14 and incorporate the same limitations as Claim 14, which, as described above, is patentably distinguished from Travis et al. Thus, Claims 15 and 18 are patentably distinguished.

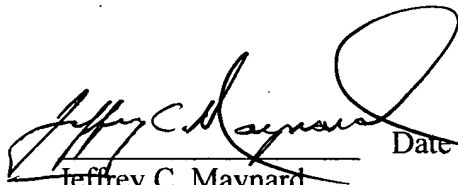
Newly Added Claims 20-21

The newly added claim captures additional features of the invention that the Applicant claims as his own. In particular, new Claim 20 adds a limitation on the selection of elements when playing the style of game IN ORDER. New Claim 21 adds a limitation on the number of wagers, when wagering is enabled. Claims 20 and 21 depend directly or indirectly from independent Claim 1, which, as described above, is patentably distinguished from the reference. Applicant respectfully asserts that the newly added claims are in a condition for allowance.

CONCLUSION

Applicant has made a diligent effort to address the objections identified by the Examiner and believe all claims remaining in the application are allowable. Accordingly, a Notice of Allowability is respectfully requested. However, if the Examiner is of the opinion that the present application is not in condition for allowance, Applicant respectfully requests that the Examiner contact Applicant's attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,

 Date 5/24/04

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